

REMARKS

The Examiner rejected claim 1 under 35 U.S.C. §103(a) as allegedly being unpatentable over Sherer (U.S. Patent No. 6,115,376) in view of Frantz (U.S. Patent No. 6,697,943).

The Examiner rejected claims 2-9 under 35 U.S.C. §103(a) as allegedly being unpatentable over Sherer (U.S. Patent No. 6,115,376) in view of Stern (U.S. Patent No. 5,935,249) and further in view of Frantz (U.S. Patent No. 6,697,943).

The Examiner did not provide any grounds for rejecting claims 10-12. Therefore, Applicants respectfully request that the Examiner either provide grounds for rejecting claims 10-12 or else indicate that claims 10-12 are allowable.

Applicants respectfully traverse the §103 rejections with the following arguments.

35 U.S.C. §103

The Examiner rejected claims 1 under 35 U.S.C. §103(a) as allegedly being unpatentable over Sherer (U.S. Patent No. 6,115,376) in view of Frantz (U.S. Patent No. 6,697,943).

Claims 1

Applicants respectfully contend that claim 1 is not unpatentable over Sherer in view of Frantz, because Sherer in view of Frantz does not teach or suggest each and every feature of claim 1. For example, Sherer in view of Frantz does not teach or suggest the feature: "detecting a communication protocol violation consequent to the message, wherein the communication protocol violation is indicative of a **denial of service attack** on a target by a spoofing vandal using an identity of the network-addressable device" (emphasis added).

Based on the preceding arguments, Applicants respectfully maintain that claim 1 is not unpatentable over Sherer in view of Frantz, and that claim 1 is in condition for allowance.

Claims 2-9

The Examiner rejected claims 2-9 under 35 U.S.C. §103(a) as allegedly being unpatentable over Sherer (U.S. Patent No. 6,115,376) in view of Stern (U.S. Patent No. 5,935,249) and further in view of Frantz (U.S. Patent No. 6,697,943).

With regard to claim 2, Applicants respectfully contend that claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz.

A first reason why claim 2 is not unpatentable over Sherer in view of Stern and further in

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view of Frantz is that Sherer in view of Stern and further in view of Frantz does not teach or suggest the feature: "receiving a message by the network-addressable device; [and] detecting a communication protocol violation consequent to the message, wherein the communication protocol violation is indicative of activity of a spoofing vandal using the identity of the network-addressable device in an attack on a target" (emphasis added).

The Examiner argues: "the limitation "receiving a message by the network-addressable device" is met by a packet (102 In Fig 4.), which is transmitted to interconnection device (100)."

In response, Applicant note that the Examiner has identified the interconnection device 100 of Sherer as allegedly representing the network-addressable device of claim 2. Therefore, antecedent basis considerations in the preceding feature of claim 2 require a disclosure by Sherer that the communication protocol violation is indicative of activity of a spoofing vandal using the identity of the interconnection device 100 in an attack on a target. Applicants contend that Sherer does not disclose that the communication protocol violation is indicative of activity of a spoofing vandal using the identity of the interconnection device 100 in an attack on a target, as required by the Examiner's argument. Therefore, claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz.

A second reason why claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz is that Sherer in view of Stern and further in view of Frantz does not teach or suggest the feature: "advancing the value of a counter associated with the target". Although the Examiner alleges that Stern teaches a counter for storing a counter value, the Examiner does not allege that Stern teaches "advancing the counter" as required by claim 2. Indeed, rather than

teaching "advancing the counter", Stern teaches the very opposite, namely "decrementing" the counter. See Stern, col. 16, line 36. Therefore, claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz.

A third reason why claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz is that Sherer in view of Stern and further in view of Frantz does not teach or suggest the feature: "generating a spoofing alert when the value of the counter exceeds the threshold". Indeed, none of the references cited by the Examiner teach the preceding feature of claim 2. Therefore, claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz.

A fourth reason why claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz is that the Examiner's arguments for modifying Sherer by the alleged teaching of Stern and Franz is not persuasive.

The Examiner argues: "Therefore at the time the invention was made, it would have been obvious to one of ordinary skill in the art, to modify a system for access control address authentication of Sherer by using the counter and comparing the value of the counter with the threshold as taught in Stern and generating a spoofing alert as taught in Frantz. One of ordinary skill in the art would have been motivated to modify a system for access control address authentication by using the counter and comparing the value of the counter with the threshold as taught in Stern for issuing the authorization command (see Stern column 16, lines 39-40) and generating a spoofing alert as taught in Frantz for discarding the packet (see Frantz, Fig.5)"

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(emphasis added).

In response, Applicant respectfully contend that the Examiner's suggested modification of Sherer (i.e., "using the counter and comparing the value of the counter with the threshold ") does no more than provide alleged advantages to Sherer's invention which already exists in Sherer's invention without a counter. The advantages allegedly promoted by the modification of Sherer include "generating a spoofing alert" and "discarding the packet". However, Sherer discloses in col. 6, lines 37-45: "If the MAC address is not authorized, then **the packet is blocked**, and the port is disabled or other action is taken to prevent that end station from accessing the layer two fabric of the network. Further, a **notification message can be sent to a network management station**, indicating that a failed authentication occurred" (emphasis added). Thus, Sherer does not have any use for the counter because Sherer already discloses (without need of a counter): blocking the packet and sending a notification message to a network management station. Therefore, modifying Sherer by adding a counter to Sherer's invention adds unnecessary complexity and unnecessary processing time to Sherer's invention.

In other words, the Examiner's suggested modification of Sherer degrades the performance of Sherer's method without adding anything of value to Sherer's method. Accordingly, Applicant respectfully contend that the Examiner has not established a *prima facie* case of obviousness in relation to claim 2. Therefore, claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz.

Based on the preceding arguments, Applicants respectfully maintain that claim 2 is not unpatentable over Sherer in view of Stern and further in view of Frantz, and that claim 2 is in

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condition for allowance. Since claims 3-9 depend from claim 2, Applicants contend that claims 3-9 are likewise in condition for allowance.

In addition, Applicants respectfully traverse the Examiner's contention that "it is well known in the art of network administration to send the alert to a network administrator, for example Windows NT over TCP/IP system use administration alerts." Applicants respectfully request that the Examiner provide evidence that it is well known to send a **spoofing** alert to a system administrator.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

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